

650 Town Center Drive, Suite 620
Costa Mesa, CA 92626-1825
Phone: (714) 708-8555
Fax: (714) 708-8566

**Birch, Stewart,
Kolasch & Birch, LLP**

Fax

OFFICIAL

To: MS AF	From: Leonard R. Svensson/Susan Gorman	RECEIVED
Fax: 703-872-9307	Pages: 9 (including cover sheet)	CENTRAL FAX CENTER
Phone: 703-872-9305	Date: September 5, 2003	SEP 08 2003
Your Ref.: 09/485,187	Our Ref.: 0147-0191P	
Re: Letter	CC:	

☒ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If your receipt of this transmission is in error, please notify this firm immediately by collect call to (714) 708-8555, and send the original transmission to us by return mail at the address above.

• **Comments:**

Attached please find a Letter relating to a previously filed Information Disclosure Statement on October 16, 2001.

MS AF
PATENT
0147-0191P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Marion KWART et al. Conf.: 1628
Appl. No.: 09/485,187 Group: 1638
Filed: June 26, 2000 Examiner: A. KUBSPAK
For: PROCESSES FOR INCREASING THE YIELD
IN PLANTS

OFFICIAL**RECEIVED****KUBSPAK FAX CENTER****SEP 08 2003**LETTER

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 5, 2003

Sir:

In the Office Action issued April 10, 2002, the Examiner states that the Information Disclosure Statement filed January 11, 2002 (Paper No. 14) fails to comply with 37 C.F.R. 1.98(a)(3) because it does not include a concise explanation of the relevance about the content of the information of each publication listed that is not in the English Language.

Applicants have enclosed a copy of the IDS, which was timely filed as noted by the Examiner. As can be seen on page 2, Section III.b. a concise explanation of the Landschutze Ph.D. thesis appears in paragraph two while a concise translation of the thesis of Kuhn appears in the

Application No. 09/485,187

subsequent paragraph. Thus, the Examiner overlooked these two translations which were timely filed and entered into the application file. In view of this, Applicants respectfully request that the Examiner consider this information prior to responding to Applicants timely filed Reply After Final Under 37 C.F.R. § 1.116.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Certificate of Transmittal
I hereby Certify that this correspondence is being
facsimile transmitted to the Patent and
Trademark Office.
On SEP 5 2003
[Signature]
Signature
SANDRA B. PAUL
Typed or printed name of person signing certificate

LRS/SWG/sbp
0147-0191P

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By [Signature] # 47,604
for Leonard R. Svensson, #30,330
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Enclosure: Information Disclosure Statement